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THE ANDHRA PRADESH GAZETTE
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W.No.24

AMARAVATI, TUESDAY , JUNE 20, 2017

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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

ANDHRA PRADESH STATE WAQF BOARD

(Transit Office: Razzaq manzil, Haj House, Opp. Public Garden, Nampally, Hyderabad)

CHANGE OF MANAGEMENT BY RECOGNIZING SRI MD. ALEEMUDDIN S/O. LATE MOHD. KHAJA QUTUBUDDIN AND SRI MOHD. FAZLUDDIN S/O. LATE MOHD. KHAJA MOINUDDIN AS MUTAWALLI U/S. 42 (1) OF THE WAQF ACT, 1995. MOSQUE WALAJA AT RAMAYAPATNAM VILLAGE, ULAVAPADU MANDAL, PRAKASAM DISTRICT.

- Read: 1. This office Proc. No.B3/42/PKM/2008/Z-VII, dt: 2-08-2011.
2. AP Gazette No. 40, dated:6-10-2011.
3. AP Gazette No.18-A, dated:2-5-1963.
4. Application of Sri Md. Aleemuddin S/o. Late Mohd. Khaja Qutubuddin dated: 15-11-2016.
5. Application of Sri Md. Fazluddin S/o. Late Mohd. Khaja Moinuddin.
6. This Office Memo No.B3/42/PKM/2008/Z-V, dated:22-11-2016.
7. Orders in OA. No.45/2013 dated;24-10-2016.
8. Report of the Inspector Auditor Waqf, Prakasam No.25/Waqf/PKM/2013, dt:30-11-2016.
9. Order of the Competent Authority, APSWB, dated: 16-05-2017.

F.No.B3/42/PKM/2008/Z-V,- The waqf institution Mosque known as Walaja Mosque with its attached properties situated at Ramayapatnam Village, Ulavapadu Mandal is notified Waqf published in AP Gazette No.18-A, dated:2-5-1963 at SI. No.85 under the Towliath of 1) Janab Khazi Mohammed Khaja Mohiuddin 2) Janab Khazi Mohammed Azeezulla, 3) Khazi Mohammed Khasim Saheb having Inam lands at Ramayapatnam under TD No.528 in Sy. No.172 extent Ac.1-21 cents; at Kalluru Rajupalem under TD No.749, in Sy. No.304, Ac. 39-62 cents; at Kavali (Nellore Dist) under TD No 37 in Sy. No.947, extent Ac. 5-72 cents, Sy Nos.595 to 597 extent Ac.32.83 cents and Ac.8.40 cents respectively to a total of **Ac.87.78 cents**. The custom of succession is hereditary.

In the reference 1st read above, this office appointed Sri Md. Aleemuddin S/o. Late Mohd. Khaja Qutubuddin and Sri Md. Fazluddin S/o. Late Mohd. Khaja Moinuddin as Muthawallis in place of their deceased fathers notified Mutawallis and the same was published in Gazette 2nd cited.

In the reference 6th read above this office has issued Memo calling for a report of the Inspector Auditor Waqf Prakasam District and in turn he submitted his report in the ref. 8th cited for taking further action.

In the ref. 7th cited, an OA No.45/2013 was filed by Pathan Ghouse Basha and another challenging the proceedings 1st cited issued by this office that the proceedings are not in accordance with Sec. 42 of the Waqf Act 1995 and the Hon'ble Court set aside the same and held that - "However, the 1st Respondent Waqf Board is at liberty to take steps afresh for appointment of Mutawallis either under Section 42 or under Section 63 of the Waqf Act, 1995 by following prescribed procedure".

In the reference 9th read above, the whole matter was placed before the Competent Authority, AP State Waqf Board, who after careful examination and discussion of the matter has passed orders to recognize Sri Md. Aleemuddin S/o. Late Mohd. Khaja Qutubuddin and Sri Mohd. Fazluddin S/o. Late Mohd. Khaja Moinuddin as Mutawallis U/s. 42 (1) of the Waqf Act, 1995 as change in the management.

Accordingly, as change in the management of Waqf, Sri Md. Aleemuddin S/o. Late Mohd. Khaja Qutubuddin and Sri Mohd. Fazluddin S/o. Late Mohd. Khaja Moinuddin are recognized as Mutawallis U/s. 42 (1) of the Waqf Act, 1995 of subject Waqf institution.

Terms and conditions :

The Mutawallis should discharge his legitimate duties under the provision of Waqf Act 1995 and also Waqf (Amendment) Act 2013 rules framed there under and should follow the directions issued by the Waqf Board from time to time and the attached properties of the subject institution shall not mortgage/ leased out without prior approval of the Board. The Mutawalli should submit Accounts, Budget yearly to the Board as required U/s 44, 45 and U/s 46, 72 of the Waqf Act 1995 regularly and pay Waqf fund 7% promptly every year. Further the Sri Md. Aleemuddin S/o. Late Mohd. Khaja Qutubuddin and Sri Mohd. Fazluddin S/o. Late Mohd. Khaja Moinuddin are hereby directed to take necessary action for publication of Gazette Notification with their own expense.

As per Section 101(2) of Waqf Act 1995, "*Every Mutawalli of a Waqf every Member of managing committee, whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal code 1860 (45 of 1860)*". As such, for the illegal Act if any, every member of the committee will be liable for penal action. The Committee shall also note that Section-3 (ee) defined encroacher, Section 52-A explain rigorous punishment up to (2) years and sec.61 speaks penalty and punishment up to (6) months for lapses / Charges shown therein, hence should act carefully delinquently and maintain account scrupulously.

The Board reserves its rights to cancel/ alter/ modify withhold the orders at any time without assigning any reasons thereof.

Sd/-,
CHIEF EXECUTIVE OFFICER,
A.P.State Waqf Board,
Vijayawada,
(Transit Office at Haj House, Hyderabad).

To

1. Sri Md.Aleemuddin, S/o Late Mohd. Khaja Qutubuddin, Mutawalli Walaja Masque, Ramayapatnam Village, Ulavapadu Mandal, Prakasam District.
2. Sri Mohd. Fazluddin S/o. Late Mohd. Khaja Moinuddin, Mutawalli, Walaja Mosque, Ramayapatnam Village, Ulavapadu Mandal, Prakasam District.

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